

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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No. 23-3965

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UNITED STATES OF AMERICA,  
Plaintiff-Cross-Appellant,

v.

MARK SCHENA,  
Defendant-Cross-Appellee.

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**GOVERNMENT’S MOTION FOR VOLUNTARY DISMISSAL**  
**(Assented To)**

The United States respectfully moves under Federal Rule of Appellate Procedure 42(b) for voluntary dismissal of this cross-appeal, with each party to bear its own costs and fees. Undersigned counsel contacted counsel for Mr. Schena, Leah Spero, who assented to this motion. The government respectfully requests that the Court grant the motion and dismiss this cross-appeal.

Respectfully submitted,

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October 21, 2024

## **CERTIFICATE OF COMPLIANCE**

1. This motion complies with the type-volume limitations of Fed. R. App. P. 27(d)(2)(A) and Circuit Rule 27-1 because it contains 65 words and does not exceed 20 pages.

2. This motion complies with the typeface and type-style requirements of Fed. R. App. P. 32(a)(5) & (a)(6) because it has been prepared in a proportionally spaced, 14-point font in text and footnotes using Microsoft Word of Office 365 word processing software.

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